

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Appl. No. : 10/085,164 Confirmation No. 8036
Applicants : Kelly et al.
Filed : February 26, 2002
Title: : ENCAPSULATED DIE PACKAGE WITH IMPROVED
PARASITIC AND THERMAL PERFORMANCE
Art Unit : 2892
Examiner : Koai Pham
Docket No. : A539WTN

MAIL STOP: APPEAL BRIEF – PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTENTION: Board of Patent Appeals and Interferences

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

This is in response to the Notification of Non-Compliant Appeal Brief mailed February 25, 2008.

5. The brief does not contain a concise statement of each ground of rejection on appeal (37 CFR 41.37(c)(1)(vi))

In regards to 37 CFR 41.37(c)(1)(vi), the notice states that "each ground of rejection reviewed presented for review in this section should include claims on appeal, citations of the statutes, regulations, authorities, and parts of the record relied on." However, that is the standard applied to the argument under 37 CFR 1.37(c)(1)(vii), not the grounds of rejection to be reviewed on appeal under 37 CFR 41.37(c)(1)(vi). The only requirement for 37 CFR 41.37(c)(1)(vi) is "A concise statement of each ground of rejection presented for review." A copy of page 14 from the appeal brief filed on February 4, 2008 is provided herewith showing compliance with 37 CFR 41.37(c)(1)(vi).

9. The brief does not contain copies of the decisions rendered by a court of the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(ix)).

There are no related appeals. A copy of page 4 of the appeal brief is attached showing that there are no related appeals.

A Petition for Extension of Time for 1 month is attached. Please charge the deposit account of Jackson Walker L.L.P. (10-0096) in the amount of \$120.00. No other fees are believed due with this response. The Commissioner is hereby authorized to charge any unpaid fees or credit any overpayment to Deposit Account No. 10-0096.

Dated: April 25, 2008

Respectfully submitted,

JACKSON WALKER L.L.P.

By: _____

Christopher J. Rourke
Reg. No. 39,348

901 Main Street, Suite 6000
Dallas, Texas 75202
Telephone: (214) 953-5990
Facsimile: (214) 661-6604
E-Mail: crourke@jw.com

II RELATED APPEALS AND INTERFERENCES

(37 C.F.R. §41.37(c)(2))

With respect to other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal:

4 ☒ there are no such appeals or interferences.

VI GROUNDS OF REJECTION TO BE REVIEWED UPON APPEAL
(37 C.F.R. §41.37(c)(6))

1. Whether the Examiner has failed to properly consider the specification in rejecting Claims 10 and 39 for failing to comply with the written description requirement.
2. Whether the Examiner has failed to properly construe the Claims.
3. Whether Claims 1-4, 8-9, 12-13, 15, 17 and 42-43 are anticipated by or obvious in view of Crowley.
4. Whether Claims 11 and 14 are unpatentable over Nakayama or Crowley.
5. Whether Claims 20-27, 29-32, 34-35, 37-38 and 40-41 are unpatentable over Nakayama in view of Ishinaga.
6. Whether Claims 20-24, 26-35, 37-38 and 40-41 are unpatentable over Crowley in view of Ishinaga.
7. Whether Claim 9 is unpatentable over Nakayama in view of Crowley.
8. Whether Claims 28 and 33 are unpatentable over Nakayama in view of Ishinaga and further in view of Crowley.